

# House Amendment 8426

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1 1 Amend Senate File 2269, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 \_\_\_\_\_. Section 39.21, Code 2003, is amended by  
1 6 adding the following new subsection:  
1 7 NEW SUBSECTION. 4. Township trustees and township  
1 8 clerks as provided in section 39.22, subsection 2.>  
1 9 #2. Page 1, by inserting before line 15 the  
1 10 following:  
1 11 \_\_\_\_\_. Section 43.14, subsection 1, unnumbered  
1 12 paragraph 1, Code 2003, is amended to read as follows:  
1 13 Nomination papers shall include a petition and an  
1 14 affidavit of candidacy. All nomination petitions  
1 15 shall be eight and one-half by eleven inches in size  
1 16 and in substantially the form prescribed by the state  
1 17 commissioner of elections. The petition may contain  
1 18 signatures on the front and back of a sheet of paper.  
1 19 Each side shall be considered a separate page of the  
1 20 petition for purposes of this section. They Petitions  
1 21 shall include or provide spaces for the following  
1 22 information:  
1 23 Sec. \_\_\_\_\_. Section 45.5, subsection 1, unnumbered  
1 24 paragraph 1, Code Supplement 2003, is amended to read  
1 25 as follows:  
1 26 Nomination papers shall include a petition and an  
1 27 affidavit of candidacy. All nomination petitions  
1 28 shall be eight and one-half by eleven inches in size  
1 29 and shall be in substantially the form prescribed by  
1 30 the state commissioner of elections. The petition may  
1 31 contain signatures on the front and back of a sheet of  
1 32 paper. Each side shall be considered a separate page  
1 33 of the petition for purposes of this section. They  
1 34 Petitions shall provide spaces for the following  
1 35 information:  
1 36 Sec. \_\_\_\_\_. Section 46.21, unnumbered paragraph 1,  
1 37 Code 2003, is amended to read as follows:  
1 38 At least sixty-nine days before each judicial  
1 39 election, the state commissioner of elections shall  
1 40 certify to the county commissioner of elections of  
1 41 each county a list of the judges of the supreme court,  
1 42 court of appeals, and district court including  
1 43 district associate judges, full-time associate  
1 44 juvenile judges, and full-time associate probate  
1 45 judges, and clerks of the district court to be voted  
1 46 on in each county at that election. The county  
1 47 commissioner of elections shall place the names upon  
1 48 the ballot in the order in which they appear in the  
1 49 certificate, ~~unless only one county is voting thereon.~~  
1 50 The state commissioner of elections shall rotate the  
2 1 names in the certificate by county, ~~or the county~~  
~~2 2 commissioner of elections shall rotate them upon the~~  
~~2 3 ballot by precinct if only one county is voting~~  
~~2 4 thereon.~~ The names of all judges and clerks to be  
2 5 voted on shall be placed upon one ballot, which shall  
2 6 be in substantially the following form:>  
2 7 #3. Page 9, by inserting after line 12 the  
2 8 following:  
2 9 \_\_\_\_\_. Section 49.14, subsection 1, Code 2003,  
2 10 is amended to read as follows:  
2 11 1. The commissioner may appoint substitute  
2 12 precinct election officials as alternates for election  
2 13 board members. ~~A majority of the original election~~  
~~2 14 board members shall be present at the precinct polling~~  
~~2 15 place at all times. However, at partisan elections~~  
2 16 such the majority of election board members at the  
2 17 precinct polling place shall include at least one  
2 18 precinct election official from each political party.  
2 19 ~~if the chairperson leaves the polling place, the~~  
2 20 ~~chairperson shall designate another member of the~~  
2 21 ~~board to serve as chairperson until the chairperson~~  
2 22 ~~returns.~~ The responsibilities and duties of a  
2 23 precinct election official, other than the  
2 24 chairperson, present at the time the polling place was

2 25 opened on the day of an election may be assumed at any  
2 26 later time that day by a substitute appointed as an  
2 27 alternate. The substitute shall serve either for the  
2 28 balance of that election day or for any shorter period  
2 29 of time the commissioner may designate.  
2 30 Sec. \_\_\_\_\_. Section 49.26, subsection 2, Code 2003,  
2 31 is amended to read as follows:  
2 32 2. When voting machines are available for an  
2 33 election precinct, the commissioner shall determine in  
2 34 advance of each election conducted for a city of three  
2 35 thousand five hundred or less population or any school  
2 36 district in which voting occurs in that precinct  
2 37 whether voting there shall be by machine or paper  
2 38 ballot. ~~If the commissioner concludes, on the basis~~  
2 39 ~~of voter turnout for recent similar elections and~~  
2 40 ~~factors considered likely to affect voter turnout for~~  
2 41 ~~the forthcoming election, that voting will probably be~~  
2 42 ~~so light as to make preparation and use of paper~~  
2 43 ~~ballots less expensive than preparation and use of a~~  
2 44 ~~voting machine, paper ballots shall be used.~~  
2 45 Sec. \_\_\_\_\_. Section 49.30, subsection 1, Code 2003,  
2 46 is amended to read as follows:  
2 47 1. Where special paper ballots are used, if it is  
2 48 not possible to include all offices and public  
2 49 measures on a single ballot, separate ballots may be  
2 50 provided for ~~township offices~~, nonpartisan offices,  
3 1 judges, or public measures.  
3 2 Sec. \_\_\_\_\_. Section 49.30, subsection 2, paragraph  
3 3 a, Code 2003, is amended to read as follows:  
3 4 a. If it is impossible to place the names of all  
3 5 candidates on the machine ballot, the commissioner may  
3 6 provide a separate paper ballot for the candidates for  
3 7 judge of the district court, ~~the township offices~~, and  
3 8 the nonpartisan offices listed in section 39.21. One  
3 9 of the paper ballots shall be furnished to each  
3 10 registered voter.  
3 11 Sec. \_\_\_\_\_. Section 49.37, subsection 3, Code 2003,  
3 12 is amended to read as follows:  
3 13 3. The commissioner shall arrange the partisan  
3 14 county offices on the ballot with the board of  
3 15 supervisors first, followed by the other county  
3 16 offices ~~and township offices~~ in the same sequence in  
3 17 which they appear in ~~sections~~ section 39.17 and 39.22.  
3 18 Nonpartisan offices shall be listed after partisan  
3 19 offices.  
3 20 Sec. \_\_\_\_\_. Section 49.73, subsection 1, paragraph  
3 21 e, Code 2003, is amended to read as follows:  
3 22 e. The unincorporated area of any county voting on  
3 23 a hotel and motel tax pursuant to section 422A.1 or a  
3 24 local option sales and services tax pursuant to  
3 25 section 422B.1.>  
3 26 #4. Page 12, by inserting after line 10 the  
3 27 following:  
3 28 \_\_\_\_\_. Section 50.9, Code 2003, is amended to  
3 29 read as follows:  
3 30 50.9 RETURN OF BALLOTS NOT VOTED.  
3 31 Ballots not voted, or spoiled by voters while  
3 32 attempting to vote, shall be returned by the precinct  
3 33 election officials to the commissioner, and a receipt  
3 34 taken for the ballots. The ballots shall be preserved  
3 35 for twenty-two months following elections for federal  
3 36 offices ~~and for six months following elections for all~~  
3 37 ~~other offices. For all other elections, ballots not~~  
3 38 ~~voted, or spoiled by voters while attempting to vote,~~  
3 39 ~~may be destroyed the day after the last day to contest~~  
3 40 ~~the election, or the day after final determination of~~  
3 41 ~~any pending contest.~~>  
3 42 #5. Page 13, by inserting after line 8 the  
3 43 following:  
3 44 \_\_\_\_\_. Section 50.25, subsection 7, Code 2003,  
3 45 is amended by striking the subsection and inserting in  
3 46 lieu thereof the following:  
3 47 7. County offices.>  
3 48 #6. Page 13, by inserting after line 19 the  
3 49 following:  
3 50 \_\_\_\_\_. Section 52.7, Code 2003, is amended to  
4 1 read as follows:  
4 2 52.7 CONSTRUCTION OF MACHINE APPROVED.  
4 3 1. A voting machine approved by the state board of  
4 4 examiners for voting machines and electronic voting  
4 5 systems must be so constructed as to provide

4 6 facilities for voting for the candidates of at least  
4 7 seven different parties or organizations, must permit  
4 8 a voter to vote for any person for any office although  
4 9 not nominated as a candidate by any party or  
4 10 organization, and must permit voting in absolute  
4 11 secrecy.

4 12 2. It must also be so constructed as to prevent  
4 13 voting for more than one person for the same office,  
4 14 except where the voter is lawfully entitled to vote  
4 15 for more than one person for that office; and it must  
4 16 afford the voter an opportunity to vote for any or all  
4 17 persons for that office as the voter is by law  
4 18 entitled to vote for and no more, at the same time  
4 19 preventing the voter from voting for the same person  
4 20 twice.

4 21 3. It may also be provided with one ballot in each  
4 22 party column or row containing only the words  
4 23 "presidential electors", preceded by the party name,  
4 24 and a vote for such ballot shall operate as a vote for  
4 25 all the candidates of such party for presidential  
4 26 electors.

4 27 4. Such machine shall be so constructed as to  
4 28 accurately account for every vote cast upon it.

4 29 5. A voting machine may be used at satellite  
4 30 voting stations or at the commissioner's office for  
4 31 voting of absentee ballots if the following apply:

4 32 a. The voting machine is a direct recording  
4 33 electronic voting system.

4 34 b. The voting machine is equipped with the ability  
4 35 to retrieve a ballot after the ballot has been voted.

4 36 c. The voting machine is so constructed to remove  
4 37 identifying information from the ballot before the  
4 38 ballot is tabulated.

4 39 Sec. \_\_\_\_\_. Section 52.36, Code 2003, is amended to  
4 40 read as follows:

4 41 52.36 COMMISSIONER IN CHARGE OF COUNTING CENTER ==  
4 42 APPOINTMENT OF RESOLUTION BOARD.

4 43 All proceedings at the counting center shall be  
4 44 under the direction of the commissioner and open to  
4 45 the public. The proceedings ~~shall~~ may be under the  
4 46 observation of at least one member of each of the  
4 47 political parties referred to in section 49.13, if  
4 48 ~~members are designated by the county chairperson or,~~  
4 49 ~~if the chairperson fails to make a designation, by the~~  
4 50 ~~commissioner.~~ No person except those employed and

5 1 authorized by the commissioner for the purpose shall  
5 2 touch any ballot or ballot container.

5 3 The commissioner shall appoint from the lists  
5 4 provided by the county political party chairpersons a  
5 5 resolution board to tabulate write-in votes and to  
5 6 decide questions regarding damaged, defective, or  
5 7 other ballots which cannot be tabulated by machine.  
5 8 The commissioner shall appoint as many people to the  
5 9 resolution board as the commissioner believes are  
5 10 necessary. The resolution board shall be divided into  
5 11 two-person teams. Each team shall consist of people  
5 12 who are not members of the same political party. If a  
5 13 team is unable to decide how to count one or more  
5 14 ballots, a third person shall be available to consult  
5 15 with the team and to resolve disputes. Ballots which  
5 16 were objected to shall be endorsed and separated as  
5 17 required by section 50.4.>

5 18 #7. Page 13, line 28, by inserting after the word  
5 19 the following: <However, for those  
5 20 elections in which the commissioner directs the polls  
5 21 be opened at noon pursuant to section 49.73, a voter  
5 22 may apply in person for an absentee ballot at the  
5 23 commissioner's office from eight a.m. until eleven  
5 24 a.m. on election day.>

5 25 #8. Page 18, by inserting after line 4 the  
5 26 following:

5 27 \_\_\_\_\_. Section 376.11, unnumbered paragraphs  
5 28 1, 3, 4, and 5, Code 2003, are amended to read as  
5 29 follows:

5 30 Write-in votes are permitted to be cast in all  
5 31 elections for city offices. A person who receives a  
5 32 sufficient number of write-in votes to be elected to a  
5 33 city office shall be declared the winner of the  
5 34 election. If a person who was elected by write-in  
5 35 votes chooses not to serve in that office the person  
5 36 shall submit a resignation in writing to the city

5 37 clerk not later than five ~~o'clock~~ p.m. on the tenth  
5 38 day following the canvass of the election. If a  
5 39 person who was elected by write-in votes resigns at a  
5 40 later time, the office shall be considered vacant at  
5 41 the end of the term and the council shall fill the  
5 42 vacancy pursuant to the provisions of section 372.13,  
5 43 subsection 2.  
5 44 In city primary elections any person who receives  
5 45 write-in votes shall execute an affidavit in  
5 46 substantially the form required by section 45.3, and  
5 47 file it with the county commissioner of elections or  
5 48 the city clerk not later than five ~~o'clock~~ p.m. on the  
5 49 fourth day ~~after following~~ the canvass of the primary  
5 50 election. If any person who received write-in votes  
6 1 fails to file the affidavit at the time required, the  
6 2 county commissioner shall disregard the write-in votes  
6 3 cast for that person. A notation shall be made on the  
6 4 abstract of votes showing which persons who received  
6 5 write-in votes filed affidavits. The total number of  
6 6 votes cast for each office on the ballot shall be  
6 7 amended by subtracting the write-in votes of those  
6 8 candidates who failed to file the affidavit. It is  
6 9 not necessary for a candidate whose name was printed  
6 10 upon the ballot to file an affidavit. Of the  
6 11 remaining candidates, those who receive the highest  
6 12 number of votes to the extent of twice the number of  
6 13 unfilled positions shall be placed on the ballot for  
6 14 the regular city election as candidates for that  
6 15 office.  
6 16 In cities in which the city council has chosen a  
6 17 runoff election in lieu of a primary, if a person who  
6 18 was elected by write-in votes chooses not to accept  
6 19 the office by filing a resignation notice with the  
6 20 city clerk or commissioner of elections not later than  
6 21 five ~~o'clock~~ p.m. on the fourth day following the  
6 22 canvass, all remaining persons who received write-in  
6 23 votes and who wish to be considered candidates for the  
6 24 runoff election shall execute an affidavit in  
6 25 substantially the form required by section 45.3 and  
6 26 file it with the county commissioner or the city clerk  
6 27 not later than five ~~o'clock~~ p.m. of the fourth day  
6 28 following the canvass. If a person receiving write-in  
6 29 votes fails to file the affidavit at the time  
6 30 required, the county commissioner of elections shall  
6 31 disregard the write-in votes cast for that person.  
6 32 The abstract of votes shall be amended to show that  
6 33 the person who was declared elected declined the  
6 34 office and a notation shall be made next to the names  
6 35 of those persons who did not file the affidavit. A  
6 36 runoff election shall be held with the remaining  
6 37 candidates who have the highest number of votes to the  
6 38 extent of twice the number of unfilled positions.  
6 39 In a city in which the council has chosen a runoff  
6 40 election, if no person was declared elected for an  
6 41 office all persons who received write-in votes shall  
6 42 execute an affidavit in substantially the form  
6 43 required by section 45.3 and file it with the county  
6 44 commissioner of elections or the city clerk not later  
6 45 than five ~~o'clock~~ p.m. on the fourth day following the  
6 46 canvass of votes. If any person who received write-in  
6 47 votes fails to file the affidavit the county  
6 48 commissioner of elections shall disregard the write-in  
6 49 votes cast for that person. The abstract of votes  
6 50 shall be amended to note which of the write-in  
7 1 candidates failed to file the affidavit. A runoff  
7 2 election shall be held with the remaining candidates  
7 3 who have the highest number of votes to the extent of  
7 4 twice the number of unfilled positions.>  
7 5 #9. By renumbering as necessary.  
7 6  
7 7  
7 8  
7 9 MASCHER of Johnson  
7 10 SF 2269.205 80  
7 11 sc/sh